

MINUTES
TOMSA board meeting
Monday, Sept. 15, 2014

The meeting was video recorded. The HVAC blower cycled on loudly several times during the meeting, making discussion inaudible to public attendees. A high-quality microphone attached to the video camera helped to pick up voices on the video. If you have any questions about what was discussed, call TOMSA at 732-495-1010.

The **public meeting** began at 8:00 p.m. and ended about 8:40 p.m. An **executive session** began about 8:50 p.m.

ATTENDANCE:

Board members present: Emil Wrede (vice chair), Chantal Bouw (chair), Andrew Zapcic, Joan Smith (Secretary/Treasurer), Tom Stokes (alternate), and Charles Rogers.

Board members absent: Michael Ostrander (alternate)

Also present were Raymond Nierstedt (director), John Van Dorpe (engineer), William Meyler (auditor), Brian Rischman (staff engineer), George Nole (maintenance manager), Richard Leahey (attorney), and Marie Schillberg (recording secretary).

Absent: Brian Hrycyk (superintendent)

There was one public attendee.

The minutes for the August 18, 2014 regular meeting were adopted. The agenda does not state if these are the minutes for the public session or executive session. It was clarified during public comments that only the public session minutes for August were adopted.

Full minutes are not provided here. Please refer to the video for meeting discussion.

PUBLIC COMMENT PERIOD:

Resident Linda Baum commented as follows:

- Baum asked what minutes had been adopted at this meeting. The public session minutes for August, she was told. Baum asked if the executive session minutes had been adopted yet for any meeting held this year. She was told yes, that adoption occurs during executive session. Baum reiterated that this is improper procedure, and that minutes are supposed to be adopted during public session. The board's attorney, Richard Leahey disagreed. Formal action should occur during public session, Baum said, else the public has no way of knowing what action was taken. Baum suggested the board seek guidance from the township. No member of the board commented.
- Baum asked the board to address the noise from the HVAC duct, which made board discussion inaudible to the public. She said there are many simple solutions, including simply turning the HVAC system off during the meeting. No member of the board commented.
- Baum advised the board about a recent court ruling against the Island Heights Board of Education. She said the case involved multiple violations of the Open Public Meetings Act (OPMA) and Open Public Records Act (OPRA). The court found that the board's executive session resolutions were too vague and provided no meaningful information, that the board discussed topics in executive session that ought to have been discussed with the public present, and that redactions to meeting minutes were overly broad with insufficient reason given for them. Baum said she had to wonder what view the court would take with regard to inaudible public meetings, boiler plate minutes, or minutes being adopted during executive session. Baum said her purpose in mentioning the court ruling is to gain compliance by the TOMSA board with regard to OPMA and OPRA.

Following public comment, the board's attorney read a general statement to enter executive session. His statement contained only boiler plate language and offered no specifics about the particular matters to be discussed.